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Attorneys for Defendants
Irwin Home Equity Corporation and
Irwin Union Bank and Trust Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL W. PUTKOWSKI, on behalf
of himself and those similarly situated,

Plaintiff,

vs.

IRWIN HOME EQUITY
CORPORATION and IRWIN UNION
BANK AND TRUST COMPANY,

Defendants.

CASE NO.: C 05 3289 PJH

**STIPULATION AND ~~PROPOSED~~
ORDER RE: SELECTION OF ADR
PROCESS AND RE: FILING OF
PROPOSED SECOND AMENDED
COMPLAINT**

1 WHEREAS, counsel for all parties engaged in a meet and confer session on
2 November 21, 2005 to discuss ADR options, the timing of initial disclosures, and other
3 related case management issues, and

4 WHEREAS, plaintiff has indicated his intention to file a Second Amended
5 Complaint (with leave of Court or by stipulation if defendants agree) on or before
6 December 7, 2005, and

7 WHEREAS, the parties stipulated to the utilize the court's mediation program, and

8 WHEREAS, the parties do not believe that it will be fruitful to engage in a
9 mediation or exchange initial disclosures until after the case is at issue, and

10 WHEREAS, the parties believe that a joint case management statement should be
11 filed no later than one week in advance of the conference.

12 IT IS THEREFORE STIPULATED AND AGREED as follows:

- 13 1. Plaintiff shall file a Second Amended Complaint, or a motion for leave to
14 file a Second Amended Complaint, no later than December 7, 2005.
- 15 2. The parties request that the court issue an order appointing a mediator for
16 this matter, and that the court direct that the mediation take place within
17 ninety (90) days after the date that this case is at issue.
- 18 3. The parties shall exchange their initial disclosures in this action within
19 twenty-one (21) days after the case is at issue.
- 20 4. The parties shall file a joint case management conference statement in this
21 action no later than one week prior to the conference.

22 DATED: December 1, 2005

WINEBERG, SIMMONDS & NARITA LLP

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25 By: 
26

27 Tomio B. Narita
28 Attorneys for Defendants

1 DATED: December 2, 2005

GAIL KILLEFER

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3
4 By: 

5 Gail Killefer
6 Attorney for Plaintiff

7 The Court, having reviewed the Stipulation of the parties, and good cause appearing
8 hereby ORDERS as follows:

- 9 1. Plaintiff shall file a Second Amended Complaint, or a motion for leave to
10 file a Second Amended Complaint, no later than December 7, 2005.
- 11 2. The court will issue a separate order appointing a mediator for this matter.
12 The mediation shall take place within ninety (90) days after the date that
13 this case is at issue.
- 14 3. Th parties will exchange their initial disclosures in this action within
15 twenty-one (21) days after the case is at issue.
- 16 4. The parties shall file a joint case management conference statement in this
17 action no later than one week prior to the conference.

18 SO ORDERED.

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20 DATED: December 9, 2005

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23 By: 

24 The Honorable Phyllis J. Hamilton
25 United States District Judge
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